

Kirschner, Marc, Vol. I (PAT) 7/12/2011 9:00:00 AM

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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----X
5 In re REFCO, INC. SECURITIES
6 LITIGATION
7 07-MDL-1902
8 -----X
9 This Document Relates To:
10
11 MARC S. KIRSCHNER, as Trustee of
12 the Refco Private Actions Trust,
13 Plaintiff,
14 -vs- 07 CIV 8165 (JSR)
15
16 PHILLIP R. BENNETT, SANTO C. MAGGIO,
17 ROBERT C. TROSTEN, MAYER BROWN LLP,
18 MAYER BROWN INTERNATIONAL LLP, and
19 GRANT THORNTON LLP,
20 Defendants.
21 -----X
22 GRANT THORNTON LLP,
23 Defendant/Third Plaintiff,
24 -vs-
25 THOMAS H. LEE PARTNERS, L.P.;
THL EQUITY ADVISORS V, LLC;
THL MANAGERS V, LLC;
THOMAS H. LEE EQUITY FUND V, L.P.
THOMAS H. LEE PARALLEL FUND V, L.P.,
THOMAS H. LEE EQUITY (CAYMAN) FUND V,
L.P., THOMAS H. LEE; DAVID V. HARKINS;
SCOTT L. JAECKEL; and SCOTT A SCHOEN,
Third-party Defendants.
-----X
July 12, 2011
9:06 a.m.
WITNESS: MARC S. KIRSCHNER

1 MARC S. KIRSCHNER

2 A. Correct.

3 Q. The one change that at one time
4 existed is that Leuthold Funds for a period of
5 time was a member of the Private Actions Trust
6 Committee but it no longer is that; correct?

7 A. Correct.

8 Q. Who by name are the specific
9 individuals that sit on the PAT committee?

10 A. Starting with Schedule C on
11 behalf of VR Global Partners, Richard Dietz,
12 D-E-I-T-Z. On behalf of Premier Bank, Ira
13 Greene, G-R-E-E-N-E.

14 On behalf of Lyxor, Jeffery
15 Friedman. Ira is the at Hogan & Hartson.
16 Richard Dietz is a principal of VR Global.
17 Richards Dietz? Ira Greene is a lawyer at Hogan
18 & Hartson.

19 Jeffrey Friedman is a partner at
20 Katten Rosenman. Capital Management Select
21 Fund is represented by Paul Bran, B-R-A-N of
22 the Dickstein Shapiro firm.

23 And Abadi & Co. is represented by
24 its principal, Carlos Abadi. At the time
25 Leuthold was a member of the Trust Board,